

REMARKS

Reconsideration and withdrawal of the rejection with respect to all of the claims now in the application (i.e., Claims 22-55) is respectfully requested in view of the foregoing amendments and the following remarks.

By this amendment, Claims 22, 27, 29, 31, 32, 37, 38 and 39 have been amended, new Claims 40-55 have been added and Claims 24 and 33 have been cancelled. No new matter has been introduced into the application as filed.

The amendment to Claim 22 specifies that the fitting is specifically adapted for use in the petroleum industry and limits the device for use with a manhole chamber and further specifies that the energy transfer means comprises conduction means for conducting an electric current. Support for this can be found in withdrawn Claim 24.

Claims 31 and 32 have been amended to remove the objection relating to the alternate language "or". In addition, Claim 32 has been amended in the same way as Claim 22.

Claims 38 and 39 have been amended to specify that the energy transfer means comprises conduction means for conducting an electric current.

New Claims 40-53 are essentially the same as Claims 22-37 but relate to a fitting for use with a sump chamber wall.

New Claim 54 introduces the feature that a degree of symmetry about the flange is provided. Support for this can be found on page 13, lines 6-8.

New Claim 55 introduces the feature that the fitting does not incorporate a rubber boot seal but is adapted to have one or more rubber boot seals mounted to it. Support for this can be found on page 5, lines 1-3.

Turning now to the 102 rejection of the claims as being anticipated by Gavin (U.S. Patent 5,655,564), it should be noted that there are marked differences between the technology fields and uses of the fitting as described by Gavin in comparison to the fittings of the instant application. Gavin is solely concerned with distribution tanks that act as a manifold. The fitting and its integral boot is specifically introduced to prevent upheaval damage caused by shifting ground. In marked contrast, the fitting of the present invention is designed to prevent egress of petrol vapor or liquid from the secondarily contained underground pipework system. Thus, in the present invention, it is always necessary to have a flange fitting and a seal. This is natural to the business area and is nothing to do with ground shifting. The claims have been amended to be solely related to fittings specifically adapted for use in the petroleum industry and are either limited towards a manhole chamber wall or a sump chamber wall. This use is neither considered, contemplated or described in Gavin.

The petroleum industry considers art in a narrow field of reference and in this industry the person skilled in the art would certainly not consider looking at Gavin as it is in an entirely unrelated field, waste water management describing an entirely unrelated type of apparatus, a manifold or distribution box. Even if a person skilled in the art were to look at Gavin, one would not consider it relevant because the flange would be entirely unsuitable for use in the petroleum industry as it would not provide the necessary seals required. The fact that Gavin shows flanges and an integrally mounted seal would not add to his teachings as it is known to use these features in a fitting of this type. The teachings of Gavin would and could only be considered in the very narrow field of reference and therefore are not considered relevant to the instant application.

Furthermore, Gavin does not describe an energy transfer means comprising conduction means for conducting an electric current. Because Gavin is silent on this feature, it cannot anticipate Claims 22-53 of the present application.

With regard to Claim 54, there is no degree of symmetry about the flange and therefore this is also novel over Gavin.

With regard to Claim 55, the rubber seal 238 of Gavin is integral to the fitting whereas, in marked contrast, Claim 55 of the instant application describes a fitting which does not incorporate the rubber boot seal but is adapted to have one or more rubber boot seals mounted to it. Therefore, Claim 55 is also novel over Gavin.

Therefore in summary, Gavin would not be considered by a person skilled in the art and even if it were, it would not anticipate nor direct towards the present application. Specifically, the present claims are limited for use in the petroleum industry and further define the energy transfer means as comprising conduction means for conducting an electric current. None of these features are anticipated, or directed to, by the teachings of Gavin. Finally, Gavin is silent on the symmetrical nature of the fitting and also the non-integral boot.

With respect to the rejection of Claims 24-27, 29 and 33 as being unpatentable over Gavin (U.S.P. 5,655,564) in view of Evans, this combination does not direct towards any of the claims of the present invention. Evans does not disclose a flat radial flange and is not concerned with mounting a fitting to a chamber wall. Evans is merely a fitting for attaching pipes together at a T-junction. The technology of using electrical windings is well known but prior to the present application, no one had considered incorporating such windings into a fitting as described in the present application, namely a flat flange incorporating the other desirable features of the instant claims. Therefore, because Evans

does not teach any of the advantages of the present invention and Gavin is not even in the same technical field, the combination of the two does not lead towards the substantial advantages found when using a fitting as disclosed in Claims 22-55 specifically for use in the petroleum industry.

Finally, Applicant hereby requests a two-month extension of time to respond to the outstanding Office Action. A PTO-2038 form in the amount of \$225.00 is enclosed herewith for the official fee associated therewith. In the event of any deficiency for the required amount for an extension of time, please debit Deposit Account No. 07-0130.

In light of the arguments and amendments contained herein, all claims now pending in the application are believed to be allowable. Accordingly, a favorable action is hereby solicited. If the Examiner has any further questions regarding this application, he is respectfully requested to contact Applicant's attorney at the phone number set forth below.

Respectfully submitted,

WRIGHT ET AL.



Thomas M. Galgano
Registration No. 27,638
GALGANO & BURKE, LLP
Attorney for Applicant
300 Rabro Drive - Suite 135
Hauppauge, NY 11788
Tel: (631) 582-6161
Fax: (631) 582-6191